

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 13, 2006 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #06045

PROPOSAL: Request by Witherbee Neighborhood Association to change the zoning from R-4 Residential to R-2 Residential on approximately 48 blocks generally between 33rd and 48th, from O to Randolph Street, from B-1 Local Business to R-2 Residential at 48th and Randolph St. and from O-2 Suburban Office to R-2 Residential for Calvary Cemetery at 40th and O Street.

LOCATION: This area is generally from Randolph to O Street, from 33rd, to 48th Streets.

LAND AREA: 258 acres, more or less.

CONCLUSION: This neighborhood contains a large number of affordable single family homes with a quarter of the dwelling units in duplex use. Overall there is a mix of dwelling uses with an average overall density of 4 dwelling units per acre. Approval of this change of zone would preserve the current development pattern, aid in the preservation of affordable single family homes and may encourage home-ownership. This application is consistent with other downzoning applications that have been approved in the past.

Zoning should provide a degree of certainty. The R-2 zoning provides future single home owners greater certainty as to the use of adjacent properties. Most new neighborhoods are zoned R-3 (which is very similar to R-2) which provides more predictability for home owners.

The older neighborhoods provide the largest stock of affordable housing, both ownership and rental. This application will not significantly decrease the amount of affordable housing in Lincoln. To the contrary, it may aid in preserving single family uses. Most single family homes have less floor area, fewer garage stalls and a smaller lot size than single family uses in newer neighborhoods which means they will probably remain more affordable.

This application will also not significantly decrease the amount of rental housing in the areas. Existing duplexes and apartments can remain even after the downzoning.

This application provides future direction for this neighborhood. The City should not wait until the mix of housing within the neighborhood is viewed as a "problem." This application establishes a future direction for this neighborhood as one that is primarily single family, but includes a significant mix of duplex and rental housing.

RECOMMENDATION:

Approval

GENERAL INFORMATION:**LEGAL DESCRIPTION:****B-1 Local Business District to R-2 Residential District**

Southern 120 feet of the eastern 400 feet of Lot 22 Irregular Tract in Northwest quarter of Section 29-10-7 (Tabitha Health Care)

O-2 Suburban Office to R-2 Residential District

Northern 140 feet of Lot 1 Irregular Tract in the Northeast quarter of Section 30 -10-7 (Calvary Cemetery)

R-4 Residential to R-2 Residential District

Lots 2-16, and Lot A and adjacent vacated right-of-way, Block 1; Lots 9-12 and 15-16, Block 2; Lots 12-24, Block 3; Lots 1-32, Block 4; Lots 1-16, Block 5; Lots 1-11, Block 6; Lots 1-8, Block 7; Lots 1-33, Block 8; Lots 8-17, Block 9; Young's Hyland Park Addition; Lots 1-2, Young's Hyland Park 1st Addition; Lots 1-27, Block 10; Lots 1-17, Block 11; Lot 1- 14, Block 12, Hyland Park Annex; Lot 1 Irregular Tract, except for northern 140 feet and all of Lot 34 Irregular Tract; Lots 1-8 Henkelmann Heights; Lots A-D VanHorn's Subdivision; Lots 1-5, Thomas Subdivision; Lots 1-18 Freemon Subdivision; Remaining portion of Lots 1-4, 6, 7, 11 and 12 and all of Lots 8-10 and 14, Frost's Sub.; Lot 1, Christensen Court; Lot 1 Christensen Court 1st Addition; Lots 1-4 Murphy's Sub.; Lots 1-19, Duff Bruning Replat; Lots 1-19 W. F. Steele's Sub.; Lots 1-12, Block 1; Lots 1-12, Block 2, Grovedale; Lots 13-96, Lyman Park Sub.; and vacated K Street and alley between 39th and 40th Street; in the Northeast quarter of Section 30 -10-7

Lots 31-178, 181-238, Lenox Sub.; Lots 1-2, Marti Replat; Lots 1-2, Kurtz Replat; Lots 1-14, Block 1; Lots 1-15, Block 2; Lots 1-20, Block 3; Lots 1-14, Block 4; Lots 1-4, Block 5; Lots 1-3, Block 6; Lots 1-8, Block 7; Lot 2, Gardens Complex Addition; Lots 1-2 Witherbee Gardens 3rd Addition; Lots 1-3 Peterson's Replat; Lots 1-10, Peterson Place; Lots 14-20, 22-27, 29, 31-33, 36-49, 52-65, 68-81, 84, 87-95, 98, 101, 102, 104-115, 118-125, Witherbee Gardens; Lot 22 Irregular Tract (except for the southern 120 feet of the eastern 400 feet); Lots 1-17, Block 1; Lots 1-20, Block 2, Idalane Re-Sub.; Lots 1-11 Shelledy Heights; and Lots 77-79, 84, 87-88, 128-131, 220, 248 and 249 Irregular Tract; and vacated 43rd Street between Witherbee Blvd. and J Street; in Northwest quarter of Section 29-10-7, Lancaster County, Nebraska.

EXISTING ZONING: R-4 Residential, O-2 Suburban Office and B-1 Local Business

EXISTING LAND USE: Single-, two-, and multiple-family dwellings, with other uses such as Tabitha Health Care facility, Calvary Cemetery, Redeemer Lutheran Church, St. Teresa's Church and Elementary School and Cristo Rey Church.

SURROUNDING LAND USE AND ZONING:

South: Single, Two-, and Multiple-family dwellings and a few commercial buildings

B-1, R-2 and R-4
(proposed for change to R-2)

North: Single and two-family dwellings (Hartley) B-1, O-2, H-2 and R-4
Wyuka Cemetery and apartments with
businesses along O Street

| | | |
|-------|---|---|
| East: | Single/ Two-family dwellings, commercial Hawthorne Elementary School | R-2 Residential, B-3 Commercial and P Public |
|-------|---|---|

| | | |
|-------|--|---------------------------------|
| West: | Single, and Two-family dwellings and Woods Park | R-4 Residential and P Public |
|-------|--|---------------------------------|

HISTORY:

Prior to the 1979 this area was zoned B Two-Family Dwelling, F Restricted Commercial and G Local Business. As a result of the 1979 Zoning update, the zoning changed to R-4 Residential, O-2 Suburban Office, and B-1 Local Business, which substantially reflected the previous zoning.

HISTORY OF OTHER RESIDENTIAL DOWNZONING:

- | | |
|-----------|---|
| Aug 2006 | Change of Zone #06040 from R-4 to R-2 with small areas from R-5 and R-6, and B-1 to R-2 and one area from B-1 to R-4 by the 40 th & A Neighborhood Association is scheduled for public hearing before the City Council on September 25 th , 2006. Density was 6.2 units per acre. |
| Apr 2005 | Change of Zone #05021 from B-3 Commercial and R-4, R-5, and R-6 Residential to R-5, R-4, and R-2 Residential was approved for an area within the University Place Neighborhood. Density was 10.7 units/acre. |
| Apr 2005 | Change of Zone #05014 from R-4, R-5, R-6, and R-7 Residential to R-2 Residential was approved for an area within the Near South Neighborhood. Density was 7.6 units/acre. |
| May 2004 | Change of Zone #04026 from R-4 to R-2 was approved for an area within the Irvingdale/Country Club Neighborhood. Density was 4.9 units/acre. |
| Jan 2004 | Change of Zone #3424 from R-4, R-5, and R-6 Residential to R-2 Residential was approved for an area within the Everett Neighborhood. Density was 4.1 units/acre. |
| Sept 2003 | Change of Zone #3416 from R-4 Residential to R-2 Residential was approved for an area within the Witherbee Neighborhood. The Planning Department suggested the issue of downzoning areas within established neighborhoods should be further studied. Density was 3.8 units/acre. |

- Aug 2003 Change of Zone #3412 from R-4 Residential to R-2 Residential was approved for an area within the Antelope Park Neighborhood. Density was 5.2 units/acre.
- Apr 2003 Change of Zone #3397 from R-4 Residential to R-2 residential was approved within the existing Franklin Heights Neighborhood Landmark District.
- Oct 2002 Change of Zone #3378 from R-5 and R-6 Residential to R-2 Residential was approved within the existing Mount Emerald Neighborhood Landmark District. The Planning Department referred to new language in the recently adopted Comprehensive Plan on preserving the character of the existing neighborhoods.
- Feb 2002 Change of Zone #3354 from R-4 Residential to R-2 Residential was approved for an area within the Antelope Park Neighborhood.
- Jun 1995 Change of Zone #2890 from R-4 Residential to R-2 Residential was approved for a small area of the Near South Neighborhood located at 27th and Washington Streets.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows the requested area primarily as Urban Residential, with Commercial designations along O Street generally where commercial uses are currently located. (F 25)

COMP PLAN SPECIFICATIONS IN SUPPORT OF THIS CHANGE OF ZONE:

Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods. (F 17)

The ***Overall Guiding Principles*** for future residential planning include:

One of Lincoln's most valuable community assets is the supply of good, safe, and decent single family homes that are available at very affordable costs when compared to many other communities across the country. Preservation of these homes for use by future generations will protect residential neighborhoods and allow for many households to attain the dream of home ownership. (F 65)

The ***Guiding Principles for Existing Neighborhoods*** include:

Preserve, protect, and promote city and county historic resources. Preserve, protect and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements. (F 68)

Preserve the mix of housing types in older neighborhoods. (F 68)

Promote the continued use of single-family dwellings and all types of buildings, to preserve the character of neighborhoods and to preserve portions of our past. (F 68)

Strategies for New & Existing Residential Areas

Single family homes, in particular, add opportunities for owner-occupants in older neighborhoods and should be preserved. The rich stock of existing, smaller homes found throughout established areas, provide an essential opportunity for many first-time home buyers. (F 72)

OTHER RELEVANT COMP PLAN SPECIFICATIONS:

The ***Guiding Principles for the Urban Environment: Overall Form*** include:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. (F 17)

Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community. (F 65)

Strategies for New Residential Areas

Structure incentives to encourage more efficient residential and commercial development to make greater utilization of the community's infrastructure. (F 72)

One ***Quality of Life Asset*** from the ***Guiding Principles from the Comprehensive Plan Vision*** states:

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. (F 15)

The ***Guiding Principles for the Urban Environment: Residential Neighborhoods*** include:

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (F 18)

Develop and promote building codes and regulations with incentives for the rehabilitation of existing buildings in order to make it easier to restore and reuse older buildings. Encourage reconversion of single family structures to less intensive (single family use) and/or more productive uses. (F 73)

ANALYSIS:

1. This is a request by the Witherbee Neighborhood Association to change the zoning for:
 - a. approximately 48 blocks from R-4 Residential to R-2 Residential which are mostly in single family and duplex use with over 1,060 dwelling units
 - b. part of one lot from O-2 Suburban Office to R-2 Residential from about 38th to 40th Street on the south side of O Street which is currently part of the Calvary Cemetery
 - c. part of one lot from B-1 Local Business to R-2 Residential which is part of the Tabitha health care complex on the northwest corner of 48th and Randolph Street

2. This request is made as part of the associations work “to preserve and enhance the best elements of the area for the benefit of residents here as well as for those throughout Lincoln.” (See application letter)
3. The Witherbee Neighborhood Association has conducted an informational meeting prior to the Planning Commission public hearing in order to inform residents. Planning staff attended this meeting on July 22nd – nearly two months prior to the Planning Commission public hearing. All property owners were mailed a notice of the informational meeting at the beginning of July by the neighborhood. On August 11th notice letters of the Planning Commission hearing were sent to over 1,000 property owners by the City – over 4 weeks prior to the September 13th public hearing.
4. A review process for change of zone proposals is not defined within the Zoning Ordinance. However, Neb. Rev. Stat. §15-902 provides a list of considerations that has traditionally been utilized for such reviews.
 - a. **Safety from fire, flood and other dangers.** – No apparent impact
 - b. **Promotion of the public health, safety, and general welfare.** – This proposal appears to coincide with some policies and guidelines enumerated in the Comprehensive Plan, while other policies and guidelines are neutral or mixed on this proposal.
 - c. **Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development.** – The housing within this proposed change of zone is predominantly a mixture of single- and two-family dwellings, with several properties used for multiple-family dwellings or churches. There are 737 single-family, 136 two-family (272 units) and 13 multiple-family (53 units) buildings.

The multi-family dwellings are dispersed throughout the proposed boundaries, but are particularly focused along 47th Street, south of M which has six four-plex buildings, in addition to 14 two-family buildings. Outside of this area, most blocks have more single-family than two-family dwellings, with several blocks having only single-family uses.
 - d. **Conservation of property values.** – It is difficult to determine the effect a change of zoning will have on property values. On one hand, property values could diminish if houses could no longer be converted into duplexes due to the increased lot area requirements, or redeveloped for apartments. On the other hand, this may have the effect of encouraging home ownership, which could stabilize or increase property values. Higher density residential zoning can

create uncertainties that tend to drive owner-occupants from a neighborhood and promote conversion of single-family houses and lots to multiple-family use. However, downzonings prevents new multiple-family development on most of the lots.

- e. **Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.** – The Comprehensive Plan encourages efficient use of existing infrastructure and diversity of housing choices. At the same time, the Plan identifies Lincoln’s commitment to its neighborhoods, as well as an encouragement to preserve existing single-family homes for single-family uses. These concurrent goals often pose as competing arguments in neighborhood downzone requests.
5. The uses allowed by right in the R-2 and R-4 districts are identical. Neither district allows multiple-family by right. The R-2 district conditional uses require a greater separation between group homes, and allow a less densely occupied domestic shelter than the other districts. Special permitted uses are nearly identical as well.
 6. All new construction of principal buildings in residential districts within the 1950 city limits are required to meet the City of Lincoln Neighborhood Design Standards. These standards are designed to recognize that certain areas of Lincoln “retain much of the traditional physical character of their original lower density development,” even though they may have experienced recent higher density development. These standards apply to this neighborhood.
 7. There are a few differences between the R-2 and R-4 district regulations. The table below shows the requirements for residential uses in each district.

| | R-2 | R-4 |
|---------------------------------------|------------------------|------------------------|
| Lot area , single family | 6,000 sq. ft. | 5,000 sq. ft. |
| Lot area, two family | 5,000 sq. ft. / family | 2,500 sq. ft. / family |
| Lot area, townhouse | N/A | N/A |
| Lot area, multiple-family | N/A | N/A |
| Avg. lot width , single family | 50 feet | 50 feet |
| Avg. lot width, two family | 40 feet / family | 25 feet / family |
| Avg. lot width, townhouse | N/A | N/A |
| Avg. lot width, multiple-family | N/A | N/A |

| | R-2 | R-4 |
|-----------------------------------|------------------------------------|------------------------------------|
| Front yard , single-family | 25 feet | 25 feet |
| Front yard, two family | 25 feet | 25 feet |
| Front yard, townhouse | N/A | N/A |
| Front yard, multiple-family | N/A | N/A |
| Side yard , single family | 5 feet | 5 feet |
| Side yard, two family | 10 feet, 0 at common wall | 5 feet, 0 at common wall |
| Side yard, townhouse | N/A | N/A |
| Side yard, multiple-family | N/A | N/A |
| Rear yard | Smaller of 30 feet or 20% of depth | Smaller of 30 feet or 20% of depth |

Nonstandard Uses

8. LMC §27.61.040 outlines the nonconforming use regulations. In general, a nonconforming use may be continued, but not expanded or enlarged. If the use is damaged beyond 60% of its value, or if the use is discontinued for two years or more, any rebuilding or new use of the property must conform to the setback and height regulations. There are 30 properties that are now nonconforming due to lot size with lots less than 5,000 square feet. There are approximately 100 lots in duplex use out of the over 1,000 parcels that would have less than the required 10,000 square feet of lot area for a duplex under R-2.
9. Approximately 81% of the lots in single family use conform to the 6,000 sq. ft. lot area requirement of the R-2 zoning. For the 121 lots in single family use with less than 6,000 sq. ft., these can continue as single family use.
10. LMC §27.03.460 defines nonstandard lots as those that fail to meet the minimum lot requirements for the district, such as lot area, lot width, density, setbacks, height, unobstructed open space, or parking.
11. LMC §27.61.090 provides that nonstandard uses, whether existent prior to the ordinance or due to changes in the zoning, may be enlarged, extended, or reconstructed as required by law for safety, or “if such changes comply with the minimum requirements as to front yard, side yard, rear yard, height, and unobstructed open space...”

12. The R-2 district regulations provide that “multiple family dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61 [nonconforming and nonstandard uses].” This rule allows multiple-family dwellings built prior to May 8, 1979 to be reconstructed, altered, and restored after damage by treating such uses as nonstandard rather than nonconforming.
13. Proposed Change of Zone #06048 would amend this stipulation to provide that multi-family built after 1979 could also be reconstructed or altered. This amendment is also scheduled for Planning Commission hearing on September 13th.
14. Therefore, any use that becomes nonstandard may be rebuilt by right, even though the lot is too small, if it will meet the setback requirements of the R-2 district. This may result in a slightly different building footprint, but there is no need under the current zoning ordinance for a variance or special permit if these requirements are met.
15. There are a couple of special permits available for nonstandard uses as well. One permit allows a nonstandard single- or two-family structure to extend into a required yard up to the extent to which a portion of it already does. Another special permit allows nonstandard, and even nonconforming, uses to be rebuilt to the setbacks existing at the time the use was destroyed. Neither of these special permits can be used to allow a standard use to occupy a required yard setback.
16. Proposed Change of Zone #06048 would also clarify that lots that do not meet the lot area and width requirement could be used for a single family use without being considered as nonstandard. The same amendment would clarify that existing duplexes with less lot area and width would also not be nonstandard.
17. This area as a whole appears to be fully built. There appears to be no more than 2 or 3 vacant lots available. There are a few lots with very small homes on them, that could also be removed to duplex use. Therefore, the primary opportunity for additional two-family residences appears to be converting existing single-family dwellings.
18. The multi-family uses would be classified as non-standard and if they were destroyed, they could be rebuilt by right if they could meet the new required setbacks of 25 foot front yard and 10 foot side yard. They would also have the option to apply for a special permit to request the previous setbacks.
19. This neighborhood contains a mix of single-, two-, and multiple-family residences. The combined density for the blocks under consideration is 4.1 units per acre, which compares to densities of 3.8 to 10.7 units per acre in other neighborhoods where R-2 downzoning was approved under the current 2025 Comprehensive Plan.

20. Overall, the density in the older areas of Lincoln is 8.1 dwelling units per residential acre, which is about over a 50% increase compared to the 5.3 units per acre in newer areas.

| | Older Neighborhoods | Newer Neighborhoods |
|--|---------------------|---------------------|
| Occupied Residential Acres | 6,379 | 9,091 |
| Total Dwelling Units | 51,623 | 48,306 |
| Dwelling Units Per Residential Acre * | 8.1* | 5.3* |
| Multi-Family Units D. U. | 17,812 | 11,810 |
| Multi-Family Units Per Residential Acre | 28.2 | 20.3 |
| Single Family Detached D. U. | 28,880 | 30,235 |
| Duplex D. U. | 4,584 | 1,444 |
| Single Family Attached D. U. | 347 | 4,817 |

Notes: *Residential acres don't include right-of-way, so this number is not strictly comparable to the density stated in downzoning reports which includes right-of-way.

The city limits as of January 1, 1950 was used for the definition between "old" and "new" areas and the outer boundary of the "new" area was city limits as of August 31, 2006. Dwelling unit and occupied acres count is as of January 1, 2006.

21. Currently, there are also about 6,000 more apartment units in older neighborhoods at this time. The Comprehensive Plan encourages apartments in older neighborhoods and also in newer neighborhoods so that there are housing choices near new shopping, employment, education and recreational areas.
22. This particular application area is not as dense, but it is adjacent to apartments to the north across O Street, and greater density to the south. Overall, the density is very similar to other new neighborhoods where the single family areas have about 3 dwelling units per residential acre. The overall density in newer suburban areas, when including apartments and townhomes, is about 4 dwelling units per residential acre.

Predictability in Zoning

23. Zoning should provide a degree of certainty. The R-2 zoning provides future single home owners greater certainty as to the use of adjacent properties. Most new

neighborhoods are zoned R-3, which is very similar to R-2 and provides more predictability for home owners.

| | Zoning | Lots for Potential Single Family Use | Percent That Also Meet Lot Area for Duplex |
|---|------------|--------------------------------------|--|
| Big Thompson Creek S. 56 th & Yankee Hill Road (thru 3 rd Addition) | R-3 | 335 | 20% |
| North Hills N. 14 th & Fletcher Ave. (thru 3 rd Add.) | R-3 | 291 | 24% |
| Old Mill Village S. W. 12 th & West South (thru 2 nd Add.) | R-3 | 132 | 11% |
| Prairie Village N. 84 th & Adams (thru 2 nd Add.) | R-3 CUP | 107 | 4% |
| Stone Bridge Creek N. 14 th & Alvo Road (thru 3 rd Add.) | R-3 CUP | 325 | 10% |
| Timber Valley S. W. 30 th & West A St. | R-3 | 107 | 2% |
| Witherbee Before CZ #06045 | R-4 | 867 | 96% |
| Witherbee After CZ #06045 | R-2 | 867 | 10% ** |

Note: R-2 and R-3 requires 10,000 square feet of lot area for a duplex (two-family) use. R-4 zoning requires 5,000 square feet.

** Approximately 70 lots in single family use and 20 lots currently in duplex use would have a lot area over 10,000 square feet. This 10% only counts the lots larger than 10,000 sq. ft. – there are an additional 110 lots in duplex use on lots less than 10,000 square feet.

24. Even in the neighborhoods where 20% of the lots would meet the lot size for a duplex, neighborhood covenants may prohibit duplex uses. Even if there were not protective covenants prohibiting a duplex use, once the neighborhood is built out, it is less likely any of the single family homes would be converted to a duplex.
25. For those neighborhoods in a Community Unit Plan (CUP), in addition to covenants, the CUP site plan often describes which lots are allowed for single family and which are two-family use.

Analysis of Individual Changes of Zones:

26. O-2 to R-2 the northern 140 of Calvary Cemetery property is zoned O-2 Suburban Office. This zoning pattern was established decades ago without regard to the cemetery use of the property. Cemeteries are not an allowed use in the O-2 district, so this portion is a nonconforming use. Cemeteries are allowed by special permit in the R-2 Residential zoning. If the northern end were zoned R-2, this would allow the cemetery to use Section 27.69.330 permitted signs for cemeteries, which permits more signs than the signs allowed for 27.69.150 Signs for Nonconforming Uses.
27. Staff contacted Father Hintz, the administrator for Calvary Cemetery and reviewed the implications of the change on setbacks, signs and use of the property. Father Hintz stated they would be in favor of the change due to the improved signage for the cemetery. The sign standards for cemeteries limit ground signs to eight feet in height and 50 square feet in size along an arterial and prohibit pole signs.
28. B-1 Local Business to R-2 Residential includes a small portion of the existing Tabitha health care facility between 46th and 48th, J to Randolph Street. Tabitha was first permitted to expand their facilities by Special Permit #384 approved in July 1969. Health care facilities are allowed by special permit in both the B-1 and R-2 district. Staff has discussed this application with Joe Hakenkamp with Tabitha and it appeared this would not cause them any problems or reason to oppose the application.

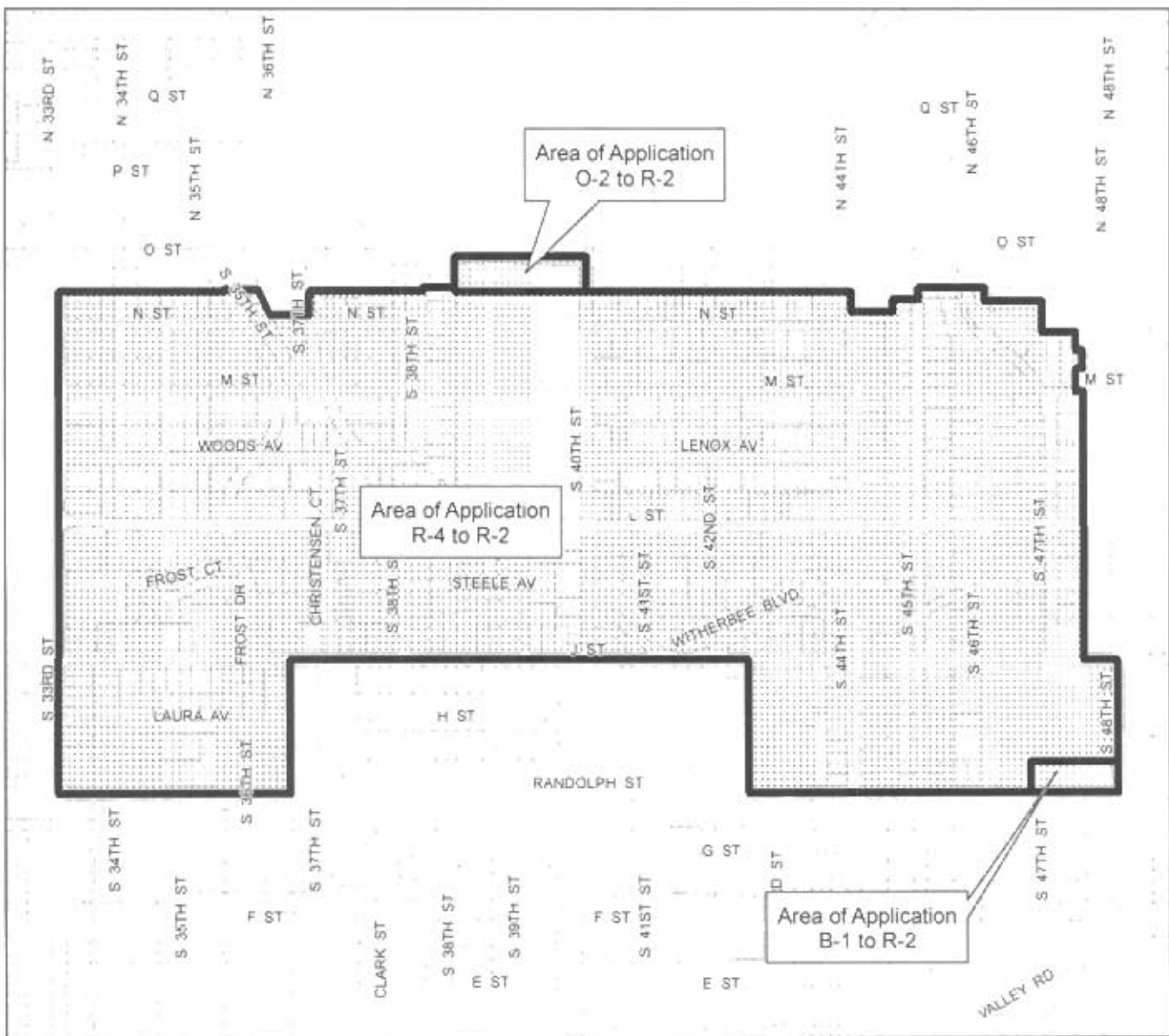
Prepared by:

Stephen Henrichsen, AICP shenrichsen@lincoln.ne.gov
Planning Department, (402) 441-6374

Date: August 31, 2006

**Applicant
and
Contact:** Witherbee Neighborhood Association
Mike Fitzgerald
3794 H Street
Lincoln, NE 68510
402- 486- 4073

F:\FILES\PLANNING\PC\CZ\06000\CZ06045 Witherbee II downzone.ssh.wpd

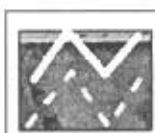


Change of Zone #06045 Witherbee Neighborhood Downzone

2005 aerial

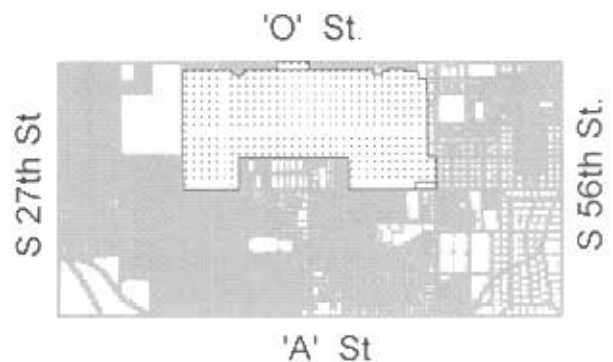
Zoning:

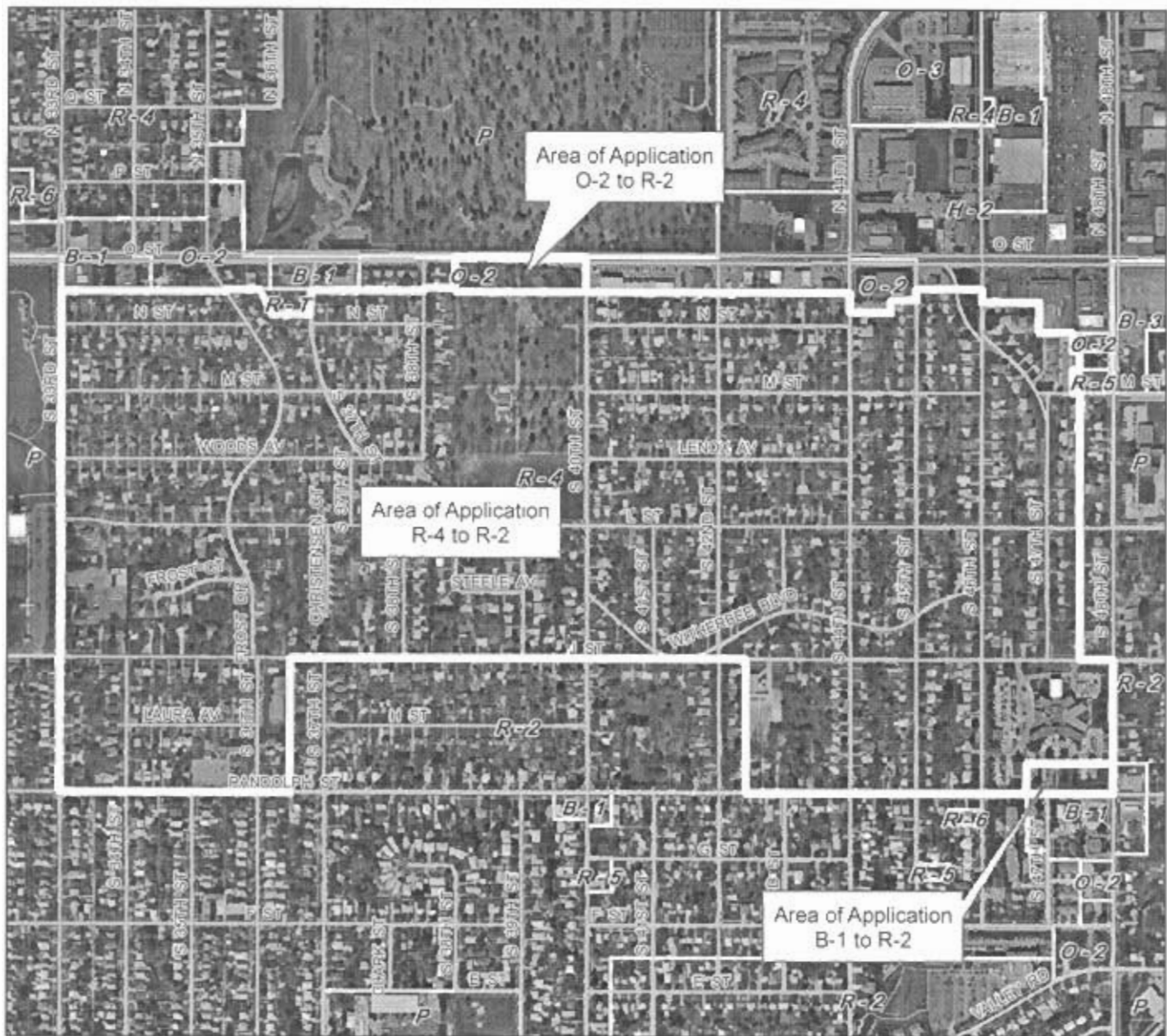
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



Zoning Jurisdiction Lines
City Limit Jurisdiction

Two Square Miles
Sec. 29 T10N R07E
Sec. 30 T10N R07E





Change of Zone #06045 Witherbee Neighborhood Downzone

2005 aerial

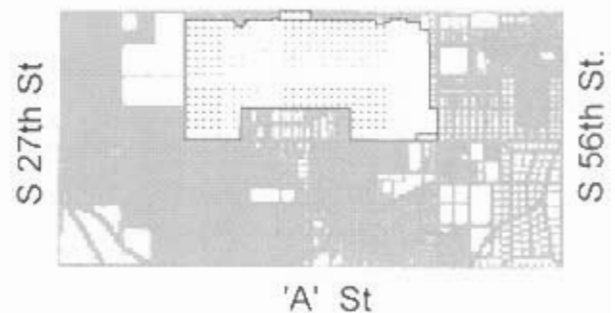
Zoning:

| | |
|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| M-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

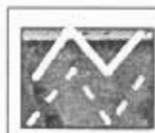
m'plan'arview'06 cz'cz00048

Two Square Miles
Sec. 29 T10N R07E
Sec. 30 T10N R07E

'O' St.

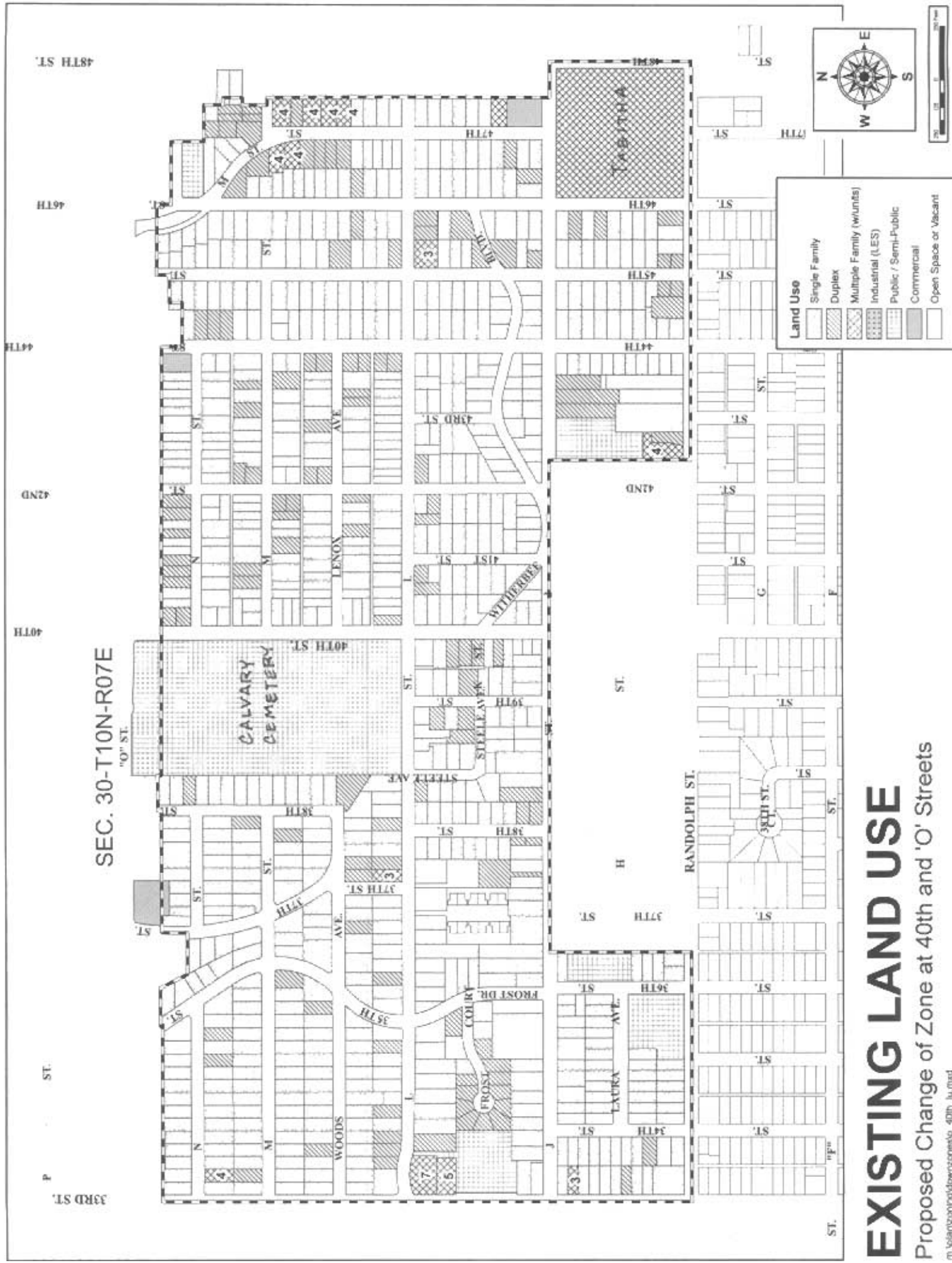


'A' St



Zoning Jurisdiction Lines

City Limit Jurisdiction



WITHERBEE NEIGHBORHOOD ASSOCIATION

July 7, 2006

City of Lincoln
Planning Commission
555 S. 10th Street
Lincoln, NE 68508

Dear Commission Members:

The purpose of this letter is to accompany and clarify the Petition to Amend the Zoning Ordinance submitted by the Witherbee Neighborhood Association.

Witherbee Neighborhood Association boundaries are 33rd St. to 56th St., O St. to Randolph St. We are located in the heart of Lincoln and work to preserve and enhance the best elements of the area for the benefit of residents here as well as for those throughout Lincoln. Our area encompasses many architecturally distinct homes, mature trees, brick streets, a neighborhood city park and four schools that are within walking distance for many of the children.

The current R4 zoning in the Association's boundaries allows for high-density development that does not take into account the character of the neighborhood, the neighborhood infrastructure capacity (parking, water, sewer, traffic, storm water retention, etc.), the safety concerns of its families, and the quality of life that is enjoyed by the families residing here. Conversion of existing single family homes to multi-story duplexes in R4 zoned established neighborhoods such as Witherbee reduces the supply of good, safe, and decent single family homes that are available at very affordable costs and undermines property values and the family feel of the neighborhood. This contradicts the current City of Lincoln/Lancaster County Comprehensive Plan which states that city and county governmental policies should promote the preservation of affordable single family homes for current and future generations so as to protect residential neighborhoods and allow households to attain the dream of home ownership.

Homeowners and other residents within the Association's boundaries support the change to R2 zoning because they recognize it as a tool that will protect the character of the neighborhood, ensure the safety of residents, result in appropriate traffic, and promote home ownership in other nearby residential areas.

We believe that all of us, residents, developers and city leaders, have an obligation and an opportunity to work together and make our neighborhoods and city the best place to live, rather than settling for the lowest common denominator. The Witherbee Neighborhood Association takes guidance from the Lincoln-Lancaster County Comprehensive Plan that says single-family ownership is the foundation on which successful communities are built. It also states that neighborhoods are one of Lincoln's greatest strengths and their conservation is fundamental to the plan. Maintaining the look and feel of the architecture of the Witherbee neighborhood is essential to what is now the center of Lincoln and R2 zoning can help preserve it.

Petitions signed by residents and property owners within the proposed rezone area supporting the change from R4 to R2 are being collected by the Association and will be submitted as soon as possible. Should you have any questions or concerns regarding the Application or any of its attachments, feel free to contact me at your convenience.

Sincerely,



Fred Freytag, President
Witherbee Neighborhood Association

